SOUTHERN DISTRIC			
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DEBORAH DONOGHUE et al.,		:	
	Plaintiffs,	:	21-CV-4811 (JMF)
-V-		: :	<u>ORDER</u>
DAVID D. SMITH et al.,		:	
	Defendants.	:	
		: X	

JESSE M. FURMAN, United States District Judge:

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On August 2, 2021, Defendant David D. Smith filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiffs shall file any amended complaint by **August 23, 2021**. Plaintiffs will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiffs do amend, by three (3) weeks after the amended complaint is filed, each Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that he relies on the previously filed motion to dismiss. If Defendant David D. Smith files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If any Defendant files a new motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiffs shall file any opposition to the motion to dismiss by **August 23, 2021**. Any reply shall be filed by **August 30, 2021**.

Finally, it is further ORDERED that the initial pretrial conference previously scheduled for August 24, 2021, is adjourned *sine die*.

SO ORDERED.

Dated: August 4, 2021

New York, New York

ESSE M. FURMAN

hited States District Judge